IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

No. 1443

HOMEZELL CHAMBERS, ET AL., *Petitioners*

v.

UNITED STATES OF AMERICA, *Respondent*

PETITION FOR REHEARING OF PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Your Petitioners respectfully pray that their Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit be granted because other substantial grounds not previously presented, if considered, would suggest to this Court that justice re-

quires a full review in order to settle at least two unique questions which may be stated as follows:

Questions Presented

1. Whether, when the compensation for *all* employees of an authorized program administered by a Government agency, is funded by *one common appropriation,* the officials charged with the duty of paying statutory rates to all employees, have the power or discretion to pay some of the employees their full statutory entitlements and at the same time pay substantially lower rates to other employees.

2. Whether administrators can justify their actions, outlined in Question No. 1, on the premise that they did not think they could pay all employees in full, yet fail to show how much they did have available and how they in fact disbursed available funds.

Discussion

As noted at Appendix 25a-26a to the original Petition, the Agency, the Department of Defense, conceded that it could not account for the funds appropriated for the operation of the Overseas Dependents School program; yet premised its contention that it would substantially discount the teachers' statutory pay rates on an *alleged* lack of funds.

The situation presented is completely unique in the annals of Government and all custom and laws governing employment in private enterprise. Unless corrected the judgment will serve as the basis for adding fuel to the fires of nationwide unrest and dissatisfaction. This disavowal by the Federal Government of its solemn contractual obligations is not only unjust, it is highly dangerous.

Conclusion

For the foregoing reasons a Rehearing should be granted.

Respectfully submitted,

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Certificate of Petitioners' Counsel in Support of Petition for Rehearing of Petition for a Writ of Certiorari

I, Earl C. Berger, attorney for the Petitioners herein do certify that the accompanying Petition for Rehearing of the Petition for a Writ of Certiorari is taken in good faith and not for the purpose of delay and that the within Petition is based upon substantial grounds available to Petitioners although not previously presented.

Dated: May 13, 1971

/s/ EARL C. BERGER
Earl C. Berger
Attorney for Petitioners

Supplemental Certificate

Because Petitioners' counsel, undersigned, was in Europe at the time the denial of the Petition for a Writ of Certiorari, and continues to be overseas and is unable to travel to Washington, D.C. in time to append his manuscript signature to the within Petition for a Rehearing, he respectfully requests that his signature to this writing as well as his original signature to his Certificate of good faith be accepted in lieu of same to one of the printed Petitions for Rehearing.

Dated at Geneva, Switzerland, May 13, 1971

/s/ EARL C. BERGER
Earl C. Berger